

Notice of Agency Rule-making Proposal

AGENCY: Department of Health and Human Services, Maine Center for Disease Control and Prevention

CHAPTER NUMBER AND TITLE: 10-144 CMR Ch. 241, Maine Subsurface Wastewater Disposal Rules

TYPE OF RULE (*check one*): Routine Technical Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY: On December 14, 2022, the Maine CDC proposed amendments to the Maine Subsurface Wastewater Disposal Rule and solicited public comments until January 13, 2023. The Department reviewed and considered all comments received, and, as a result, plans to make additional changes to the rule. Two of the Department’s planned rule changes are substantially different from the changes originally proposed; therefore, in accordance with the Maine Administrative Procedures Act (5 MRS § 8052 (5)(B)), the Department is advertising a second 30-day comment period for the following two proposed changes:

1. **Section 5(B)(6)(a):** The Department originally proposed to add a 20-year period of time for subsurface wastewater disposal systems to be installed in soil fill within the Shoreland Zone, in place of the current cutoff date of July 1, 1974. Based on review of comments received and further analysis, the Department now proposes to replace the July 1, 1974 cutoff date with a requirement for fill to be in place for a minimum of 40 years within the Shoreland Zone; and

2. **Section 8(B)(1):** The Department originally proposed to require that subsurface wastewater disposal systems meet first-time criteria for seasonal conversions. Based on review of comments and further analysis, the Department now proposes to require subsurface wastewater disposal systems to meet replacement system criteria for seasonal conversions.

Date, time and location of PUBLIC HEARING (*if any*): 30-day comment period instead of public hearing

COMMENT DEADLINE: May 19, 2023 - 5:00 p.m.

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, e-mail*):
 Andrew Hardy, 11 SHS-286 Water St, Augusta, ME 04333-0011; (207) 287-4490; andrew.hardy@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*):

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): None.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §§ 42 (3), 42 (3-A), 42 (3-B); 30-A MRS §§ 4211, 4215 (4), and 4452; 22-A MRS § 205 (2)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*):

AGENCY WEBSITE: <http://www.maine.gov/dhhs/mecdc/rules/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: tera.pare@maine.gov

The summary provided above is for publication in both the newspaper and website notices.

APPROVED FOR PAYMENT _____ DATE: _____
 (*authorized signature*)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
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